

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff

-VS-

ATICHA JITTAPHOL,

Defendant

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)
)
) Criminal No. 21-10270-MLW
) Pages 1 - 51
)
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)

**WAVER OF INDICTMENT AND PLEA TO INFORMATION
BY VIDEO**

BEFORE THE HONORABLE MARK L. WOLF
UNITED STATES SENIOR DISTRICT JUDGE

A P P E A R A N C E S:

ELYSA Q. WAN, ESQ., Assistant United States Attorney,
Office of the United States Attorney, 1 Courthouse Way,
Room 9200, Boston, Massachusetts, 02210, for the Plaintiff.

ALYSSA TOCHKA, ESQ. and LUKE GOLDWORM, ESQ., Special
Assistant United States Attorneys, Office of the United States
Attorney, 1 Courthouse Way, Room 9200, Boston, Massachusetts,
02210, for the Plaintiff.

KEITH S. HALPERN, ESQ., 572 Washington Street, Suite 19,
Wellesley, Massachusetts, 02480, for the Defendant.

ALSO PRESENT: James Pace, U.S. Probation Office.
Jiraporn Huynh, Thai Interpreter.

United States District Court
1 Courthouse Way
Boston, Massachusetts 02210
January 20, 2022, 3:31 p.m.

LEE A. MARZILLI

OFFICIAL COURT REPORTER

United States District Court
1 Courthouse Way, Room 7200
Boston, MA 02210
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1 I would conduct a waiver-of-indictment colloquy and then a
2 Rule 11 colloquy. If all of the answers were satisfactory, I
3 would accept the guilty plea; I would defer until sentencing
4 whether to accept the plea agreement and impose the agreed-upon
5 sentence, or allow the defendant an opportunity to withdraw her
6 plea, as required by Federal Rule of Criminal Procedure
7 11(c)(1)(4) and (5). And then, after accepting the guilty
8 plea, presumably I would address the petition to revoke
9 supervised release and the related questions as to whether the
03:58 10 conditions of pretrial release should be revised.

11 But I have a question concerning whether I should
12 conduct a Rule 11 colloquy because to an unusual, possibly
13 unique degree, I have questions as to whether it's reasonably
14 likely that I'll accept the binding plea agreement if we go
15 through the protracted process of having the presentence report
16 prepared, and let me explain.

17 (Defendant speaking.)

18 THE COURT: The defendant needs to be quiet and listen
19 to this, okay? As the Supreme Court wrote in *Freeman v. United*
04:00 20 *States*, 564 U.S. 522 at 529, a decision not in pertinent part
21 altered by the later Supreme Court decision in *Hughes*, as I
22 understand it, in *Freeman* the Supreme Court wrote, "Federal
23 sentencing law requires the District Judge in every case to
24 impose a sentence sufficient but not greater than necessary to
25 comply with the purposes of federal sentencing in light of the